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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,256	09/05/2000	Jeffrey T. Minnig	021768.1091	7727

7590 06/07/2005  
Baker Botts L L P  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/655,256

Applicant(s)

MINNIG ET AL.

Examiner

Michael J. Simitoski

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The response of 4/5/2005 was received and considered.
2. Claims 1-21 are pending.

#### ***Claim Objections***

3. Claims 1-10 are objected to because of the following informalities:

Regarding claims 1 & 6, “operable to decrypt the port command” should be replaced with “operable to decrypt the encrypted port command”.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-12 & 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 11-12, 14, 17 & 20, the claims use encoding or decoding and encrypting or decrypting and it is unclear if the operations are the same.

Regarding claim 14, “the port command” (line 10) should be replaced with “the encrypted port command”.

Regarding claim 17, “the port command” (line 11) should be replaced with “the encrypted port command”.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites an electronic signal comprising non-functional data structures embodied on a computer-readable media.

8. Regarding claims 1-12 & 14-20, it is understood that both a server and client are not purely software-based, necessarily including some hardware component. Further, it is understood that the method steps disclosed are to be performed on a computer.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Borella et al. (Borella). Borella discloses a modified dual channel command/inbound FTP control packet for establishing a transient data channel between remote nodes (p. 15, third figure), and the modified dual channel command/inbound FTP control packet including a public IP address/Dst: 192.156.136.22 of a peer node from an IP header of a packet/outbound FTP control packet transmitting the dual channel command (p. 15, second figure).

*Allowable Subject Matter*

11. Claim 13 is allowed.
12. Claims 1-12 & 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and objections to the claims, set forth in this Office action.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

“Extending the IP Internet Through Address Reuse” by Paul F. Tsuchiya et al. teaches that a NAT needs to find IP addresses inside the data of a dual communication packet and translate those as well (pp. 28-29).

U.S. Patent 6,154,839 to Arrow et al. teaches decrypting an incoming packet, replacing a source address with a privileged address (similar to replacing an internal address with an external address) (col. 12 & Fig. 9).

“CERT Advisory CA-1997-27 FTP Bounce” by CERT teaches that one solution to the FTP bounce attack is to only allow a port command to be used to connect to the originating client (p. 1, §III-A-2) and that Microsoft prevents FTP bounce by requiring that the specified IP address and port number used to connect back to the client for data transfer must be the client's original IP address (which, via the TCP/IP standards, would be derived from the header of the incoming packet).

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“Securing FTP with TLS” by Ford-Hutchinson et al. and “Encryption using KEA and SKIPJACK” by R. Housley et al. teach applying cryptography to FTP packets.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. – 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**Or faxed to:**


(703)746-7239 (for formal communications intended for entry)

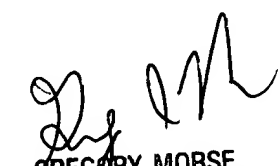
**Or:**

(571)273-3841 (Examiner's fax, for informal or draft communications, please label “PROPOSED” or “DRAFT”)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MJS  
May 25, 2005

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100